

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
Frederick R. Blattner *et al.*  
  
Serial No.: 10/655,914  
  
Filed: September 5, 2003  
  
For: COMPETENT BACTERIA

Group Art Unit: 1636  
  
Examiner: Vogel, Nancy S.  
  
Atty. Dkt. No.: WARF:018US  
  
Confirmation No.: 8615

CERTIFICATE OF ELECTRONIC TRANSMISSION	
I hereby certify that this correspondence is being electronically filed with the United States Patent and Trademark Office via EFS-Web on the date below:	
May 17, 2007	Steven L. Highlander
Date	

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully requested that this Supplemental Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 be considered by the Examiner and made of record. Copies of the listed documents required by 37 C.F.R. § 1.98(a)(2) are enclosed for the convenience of the Examiner.

In accordance with 37 C.F.R. §§ 1.97(g), (h), this Supplemental Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be

construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

The required fee in the amount of \$180.00 in connection with the filing of this paper are being charged to a credit card through EFS-Web concurrently with this submission. The Commissioner is hereby authorized to deduct any underpayment of fees or any additional fees required under 37 C.F.R. §§ 1.16 to 1.21 in connection with the filing of this paper from Fulbright & Jaworski Deposit Account No.: 50-1212/WARF:018US.

Applicants respectfully request that the listed documents be made of record in the present case.

Respectfully submitted,



Steven L. Highlander  
Reg. No. 37,642  
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 474-5201

Date: May 17, 2007

Form PTO-1449 (modified)		Atty. Docket No.: <b>WARF:018US</b>	Serial No.: <b>10/655,914</b>
List of Patents and Publications for Applicant's  INFORMATION DISCLOSURE STATEMENT  (Use several sheets if necessary)		Applicant: <b>Frederick R. Blattner <i>et al.</i></b>	
		Filing Date: <b>September 5, 2003</b>	Group: <b>1636</b>
U.S. Patent Documents <i>See Page 1</i>	Foreign Patent Documents <i>See Page 1</i>	Other Art <i>See Page 1</i>	

### U.S. Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Name	Class	Sub Class	Filing Date of App.
	A15	2003/0138937	07/24/03	Blattner <i>et al.</i>	435	252.33	01/23/02
	A16	4,981,797	01/01/91	Jessee <i>et al.</i>	435	252.8	11/14/88
	A17	6,989,265	01/24/06	Blattner <i>et al.</i>	435	252.8	01/23/02

### Foreign Patent Documents

Exam. Init.	Ref. Des.	Document Number	Date	Country	Language

### Other Art (Including Author, Title, Date Pertinent Pages, Etc.)

Exam. Init.	Ref. Des.	Citation
	C92	GenBank Accession Number AP009048.
	C93	Hall, "Activation of the bgl operon by adaptive mutation," <i>Mol. Biol. Evol.</i> , 15:1-5, 1998.
	C94	Khosla <i>et al.</i> , "Expression of Recombinant Proteins in Escherichia Coli Using an Oxygen-Responsive Promoter," <i>BioTechnology</i> , 8:554-558, 1990.
	C95	Passoth <i>et al.</i> , "Analysis of the hypoxia-induced ADH2 promoter of the respiratory yeast <i>Pichia stipitis</i> reveals a new mechanism for sensing of oxygen limitation in yeast," <i>Yeast</i> , 20:39-51, 2003.
	C96	Riggs, "Expression and Purification of Maltose-Binding Protein Fusions," <i>Current Protocols Mol. Biol.</i> , 16.6.1-16.6.14, John Wiley and Sons, 1994.
	C97	Xu and Tabita, "Positive and negative regulation of sequences upstream of the form II cbb CO2 fixation operon of <i>Rhodobacter sphaeroides</i> ," <i>J. Bacteriol.</i> , 176:7299-7308, 1994.

25765329.1

EXAMINER:

DATE CONSIDERED:

EXAMINER: INITIAL IF REFERENCE CONSIDERED, WHETHER OR NOT CITATION IS IN CONFORMANCE WITH MPEP609; DRAW LINE THROUGH CITATION IF NOT IN CONFORMANCE AND NOT CONSIDERED. INCLUDE COPY OF THIS FORM WITH NEXT COMMUNICATION TO APPLICANT.